

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R.No.4659 of 1994

Date of Decision : 12.09.2007

Baljit s/o Bhadu Ram

.....Petitioner

versus

Karam Singh s/o Ranjit Singh

.....Respondent

CORAM : HON'BLE MR.JUSTICE HEMANT GUPTA

Present: None for the parties.

-.-

JUDGMENT

HEMANT GUPTA, J. (Oral)

The challenge in the present revision petition is to the order passed by the Authority under the Payment of Wages Act, 1936 (hereinafter referred to as the Act), declining the claim of the petitioner for wages from 25.10.1988 to 21.9.1989.

The petitioner has alleged that he was employed with the respondent as a tractor driver for doing agricultural work in the fields of the respondent on wages @ Rs.600/- per month. He worked with the respondent for 11 months, but he has not been paid any wages. The petitioner has pointed out that an advance of Rs.1000/- was given to him. In reply, it has been pointed out that the petitioner had in fact borrowed Rs.11000/- in cash from the respondent and as he did not want to return the amount so he had filed the present petition on false allegations.

The learned Authority has considered the respective evidence of the parties. In respect of payment of wages, the petitioner has deposed that the terms of the employment were settled in the presence of Sunder Lal

and Babu Ram. Sunder Lal has been examined as AW-4 who deposed that he came to know about the employment of the petitioner when he used to plough the fields of the respondent. His statement is based upon the information given by the brother of the petitioner and that too when the petitioner had left the work. Similarly, the statement of Sawan Ram AW-2 and Chand Ram AW-3 was not believed by the Workmen Commissioner as the conditions of the employment were not settled in their presence. On the other hand, statement of respondent as RW-1 is to the effect that the petitioner has worked with him for 5 months i.e. from 25.4.1989 to 19.9.1989. An advance of Rs.13,295/- was given to the petitioner and Rs.11000/- was to be refunded by the petitioner. The learned Commissioner found that the stand of the petitioner that he continued to work without wages for 11 months, after taken an advance of Rs.1000/- only, cannot be believed. Thus, the Authority found that the claim of the petitioner is not sustainable.

As per the evidence on record, the petitioner has deposed that his terms of the employment were settled in the presence of Sunder Lal and Babu Ram. Sunder Lal has been examined as witness. But his evidence is to the effect that the terms of the employment were not settled in his presence. The other witnesses have been examined to depose that the terms were settled in their presence. Therefore, they were not the persons named by the persons present at the time of settling of his terms of employment. On the other hand, the respondent has given his statement that the payment is due to be taken from the petitioner.

The learned Authority has appreciated the entire evidence on record to return a finding that the claim of the workman is not sustainable.

Such finding is based upon appreciation of evidence which cannot be reappreciated in revision.

Consequently, I do not find any illegality or irregularity in the findings recorded by the learned Authority which may warrant interference of this Court in exercise of its revision jurisdiction.

The present revision petition stands dismissed.

12-09-2007

*mohinder

(HEMANT GUPTA)
JUDGE